

1 AN ACT concerning wills.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the
5 Will Repository Act.

6 Section 5. Definition. In this Act, "will" means a
7 document within the meaning of Section 1-2.18 of the Probate
8 Act of 1975.

9 Section 10. Establishment of repository. The circuit
10 court clerk of each county shall establish a repository to
11 receive, process, hold, and dispose of wills. The repository
12 shall include a registry of deposited wills.

13 Section 15. Operations and costs of repository.

14 (a) Repository operating procedures for a county shall
15 be determined by the circuit court clerk of the county.

16 (b) The costs associated with the operation of the
17 repository shall be reasonably allocated among the wills
18 deposited in the repository. The charges for depositing a
19 will shall be paid by the person tendering a will at the
20 time of deposit and may include, without limitation, charges
21 for the copying, handling, and ultimate disposition of the
22 will. The charges payable by a person with regard to a
23 single will may not exceed a base charge of \$20 plus \$1 per
24 page of the will.

25 (c) Upon accepting a will, the circuit court clerk shall
26 issue a receipt that states the name of the person depositing
27 the will, the date of deposit, the date of the will, the
28 number of pages received, and the fee paid for repository
29 services.

1 (d) The circuit court clerk may copy each will received
2 to create a back-up record. No alteration in form or content
3 of the will may result from the copying. The will and any
4 copy of the will shall be retained by the circuit court
5 clerk in a confidential file until the time of disposition of
6 the will as provided in this Act.

7 (e) The provisions of all deposited wills shall be
8 treated as confidential and may not be disclosed to anyone,
9 except as authorized in this Act. A person who willfully
10 violates this subsection (e) commits a Class 3 felony.

11 Section 20. Requirements for deposit of wills.

12 (a) A testator (or an attorney on behalf of the
13 testator) may deposit a will in the repository only upon
14 providing to the circuit court clerk the testator's signed
15 and dated affidavit containing the testator's name, post
16 office address, residence address, date of birth, and Social
17 Security Number; the date or dates of execution of the will;
18 the name (and address if available) of the attorney (if any)
19 who drew the will; the names (and addresses if available) of
20 the witnesses to the will; a statement that the
21 affidavit is made under the penalties of perjury as defined
22 in Section 32-2 of the Criminal Code of 1961; and any other
23 information required by the circuit court clerk.

24 (b) The circuit court clerk may establish other
25 appropriate requirements for the deposit of wills.

26 Section 25. Removal of wills from repository.

27 (a) The will shall be retained in the repository until
28 the earliest to occur of the following:

29 (1) The circuit court clerk receives notice of the
30 death of a testator, whose will has been deposited in the
31 repository, by means of a certified copy of the medical
32 or coroner's certificate of death or by a certified copy

1 of an order of court determining the testator to be
2 deceased.

3 (2) The expiration of 80 years from the date the
4 will was deposited in the repository.

5 (3) The expiration of 90 years from the date of
6 execution of the earliest portion of the will.

7 (4) The circuit court clerk receives a court order
8 directing disposition of the will.

9 (5) A request is made in accordance with subsection
10 (d).

11 (b) Upon receipt by the circuit court clerk of the
12 notice of death of a testator whose will is held in the
13 repository, the circuit court clerk shall cause the will to
14 be filed in accordance with subsection (a) of Section 6-1 of
15 the Probate Act of 1975.

16 (c) Upon the expiration of either the periods set forth
17 in subdivisions (2) and (3) of subsection (a) of this
18 Section, the circuit court clerk shall destroy the will and
19 any copies of the will held by the circuit court clerk in the
20 repository. However, the other provisions of this subsection
21 (c) notwithstanding, all wills deposited in the repository
22 shall be held for a period of at least one year from the date
23 of deposit before they may be destroyed.

24 (d) If a will has been deposited with the circuit court
25 clerk under this Act, the testator may at any time apply in
26 writing to the circuit court clerk to be given the will or to
27 have the will given to a person as directed by the testator.
28 On receiving the application, the circuit court clerk must
29 give the will to the testator (or to any person as directed
30 by the testator, but only if the testator is, at the time of
31 making the application, not a minor and not a person who
32 lacks testamentary capacity). If there is any doubt as to
33 whom a will should be given, the circuit court clerk, or any
34 other person, may apply to the circuit court for directions

1 as to whom the circuit court clerk should give the will.

2 Section 30. Misidentification of testator. If the court
3 determines that a will removed from the repository and filed
4 in proceedings before the court is not the will of the
5 testator in the proceedings in question, it shall order the
6 return of the document to the repository and shall expunge
7 from its records all information concerning the contents of
8 the will.

9 Section 99. Effective date. This Act takes effect
10 January 1, 2002.